

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

IVAN DEAN INGRAHAM,

Defendant.

CR-12-34-GF-BMM-01

**ORDER ADOPTING MAGISTRATE
JUDGE'S FINDINGS AND
RECOMMENDATIONS TO REVOKE
DEFENDANT'S SUPERVISED RELEASE**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on August 20, 2015. (Doc. 86). Neither party filed objections. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on August 18, 2015. (Doc. 81.) Ingraham admitted to having violated standard condition 7 of his supervised release by consuming methamphetamine and Suboxone. (*Id.*) Ingraham also admitted to having violated special conditions 2 and 3 of his supervised release by failing to participate in substance abuse testing and failing to follow the instructions of his probation officer. (*Id.*) Judge Johnston found the evidence sufficient to establish that Ingraham violated the conditions of his supervised release. (*Id.*)

Judge Johnston recommends this Court revoke Ingraham's supervised release and that the Court sentence Ingraham to twelve (12) months imprisonment with no supervised release to follow. (Doc. 86.)

Ingraham's criminal history category is I, the current violation is a Grade C, and the underlying offense is a Class C felony. The statutory range is a maximum of 24 months. The statutory and guideline term of supervised release is 30 months, less any custody time imposed. The United States Sentencing Guidelines call for three to nine months in custody.

This Court finds no clear error in Judge Johnston's Findings and Recommendations. Ingraham's current violation is serious in nature. A sentence of twelve (12) months imprisonment with no supervised release to follow is sufficient, but not greater than necessary.

IT IS HEREBY ORDERED that Judge Johnston's Findings and Recommendations (Doc. 52) is ADOPTED IN FULL. **IT IS FURTHER ORDERED** that Defendant Ivan Dean Ingraham shall be sentenced to **twelve (12) months imprisonment**.

DATED this 8th day of September, 2015.

A handwritten signature in blue ink, reading "Brian Morris". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

Brian Morris
United States District Court Judge